

All corrections to notes on this calendar should be filed no later than noon on 5/14/08. Document filed after this time may not be reviewed prior to hearing and could result in a continuance of your case. The update to these notes will be posted in the late afternoon of the following day.

Proposed Local Rules have been posted and can be viewed by visiting
<http://www.sbcounty.gov/courts/pdfs/misc/proposedrules.pdf>

The court welcomes your comments on these proposed rules. Please send them via E-mail to dmeyers@courts.sbcounty.gov or mail them to San Bernardino County Superior Court, 303 West Third Street, Mail Stop 240, San Bernardino, CA 92415. Comments are due by May 12, 2008. If sending comments close to the end of the comment period, please email only.

The Probate Examiners can be reached at ProbateNotes@courts.sbcounty.gov. Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

PROBATE

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: BPRBS00853

CASE NAME: MAGGIE L MCSHAN

HEARING:
Hearing re Final Discharge

COUNSEL:
RUTH E NEAL (PET)...JOHN F WEBER
MAGGIE L MCSHAN (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for final distribution upon waiver of account (probate) granted 5/16/07.
The Minute Order states that the order was signed that date but an order does not appear in the file. Need same.
2. Need receipts and petition for final discharge.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, the court may set a hearing in accord with Pr.C. § 8505.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: BPRBS1433

CASE NAME: IN THE ESTATE OF JUANITA R DOUGLAS

HEARING:
Hearing re Final Discharge

COUNSEL:

JUANITA R DOUGLAS	(DEC)...
BOBBY M DOUGLAS	(PET)...
SUSAN JOHNSON	(PET)...EDWARD G. OPERINI
JUANITA R DOUGLAS	(DEC)...
SUSAN JOHNSON	(PET)...EDWARD G. OPERINI

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for final distribution upon waiver of account (probate) granted 5/16/07.
2. Need receipts and petition for final discharge.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, the court may set a hearing in accord with Pr.C. § 8505.

/abs

CIVCAL4 Redlands District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: CIVSS710379

CASE NAME: WIMER -V- FRITSCH ETAL

HEARING:
Status Conference

COUNSEL:
ALVINA M WIMER (PLA)...TRENT THOMPSON & ASSOCIATES
GEOFFREY M FRITSCH (DEF)...PRO/PER
GEOFFREY M FRITSCH (PRO/PER)...PRO/PER
CHRISTINE ELIZABETH PEARSON ()...

No notes – status conference.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600019

CASE NAME: LENNESA LYNN SHAW

HEARING:
Accounting Review

COUNSEL:
BRANDON SCOTT SHAW (PET)...M DANIEL SAYLOR
LENNESA LYNN SHAW (DEC)...
WELLS FARGO BANK, N.A. (TP)...RORY W CLARK

GENERAL INFORMATION:
Letters Testamentary issued 12/6/06 (full authority, no bond)
Continued from 2/7/08 at request of counsel.
Continued from 4/3/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. **From Status Report filed 3/27/08:** Status report filed indicating the estate is not in a condition to be closed as no buyer has been found for the estate's real property. The property has been on the market since 4/4/07. Petitioner requests the estate continue for another 6 months.
2. Need notice of hearing and proof of service per Pr.C.§12201(b) advising recipients of their right to compel an accounting.

RECOMMENDATION:
Require notice, then court's discretion. If approved, court to set new accounting review for **9/4/08** (or longer – this date is based upon representative's prior request for an additional six months to administer).
(/gls/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600031

CASE NAME: AMALIA HERRERA MEDINA

HEARING:
Petition for TO ESTABLISH FACT OF DEATH OF AMALIA HERRERA MEDINA

COUNSEL:
JOSEPHINE FIELDS (PET)...J
AMALIA HERRERA MEDINA (DEC)...
AMERICAN CONTRACTORS INDEMNITY(TP)...PRO/PER

No file available for review.

OUT 4/29/08 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700075

CASE NAME: MTR OF GLENDORA JOHNSON

SEE ALSO 7

HEARING:

Hearing Re: RESIGN. OF EXECUTOR/NOMIN OF SUCCESSOR EXECUTOR.

COUNSEL:

JOHN F WATSON	(PET)...	MICHAEL S. ARNOLD
GLENDORAH JOHNSON	(DEC)...	
JANET HINDS	(PET)...	CONSTANCE J LARSON
GLENDORAH JOHNSON	(DEC)...	
JANET HINDS	(PET)...	CONSTANCE J LARSON

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Hearing re resignation of executor and nomination of successor.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for letters of administration with will annexed granted 4/11/07, no bond.
2. Letters did not issue until 10/10/07.
3. Final I&A filed.
4. Representative has filed a resignation and nomination of successor on basis that health reasons prevent him from acting.
5. A petition for successor letters testamentary has been filed, is set for this date (see next page).
6. Will need final accounting by this representative (letters issued and presumably representative has been acting with authority).
7. Need notice of hearing and proof of service.

RECOMMENDATION

Need notice, then court's discretion. If approved, set accounting review for resigning representative in 120 days. Accounting to be filed 30 days prior.

FUTURE HEARING DATES:

6/18/08 Accounting Review

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700075

CASE NAME: MTR OF GLENDORA JOHNSON

SEE ALSO 6

HEARING:
Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:
JOHN F WATSON (PET)...MICHAEL S. ARNOLD
GLENDORAH JOHNSON (DEC)...
JANET HINDS (PET)...CONSTANCE J LARSON
GLENDORAH JOHNSON (DEC)...
JANET HINDS (PET)...CONSTANCE J LARSON

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for successor letters testamentary, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. See prior page re resignation of existing representative. This successor petitioner was named as the alternate executor in will and therefore new letters will testamentary despite fact that original letters were for administration with will annexed. Primary named executor has signed declination to act.
2. Court cannot reach this petition until the resignation of original representative is approved. See prior page.
3. Will waives bond.
4. Will has already been admitted to probate. New publication and I&A not required.
5. Need notice of petition to administer and proof of service.
6. Need proposed order and letters.

RECOMMENDATION

RFA subject to notes 2, 5 and 6, no bond. If approved, no I&A need be set. Set accounting review for 7/29/09.

FUTURE HEARING DATES:

6/18/08 Accounting Review (for original representative)

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700231

CASE NAME: ALEXANDER F. CARUSO

HEARING:

FIRST AND FINAL Account and Report of ALBERT J CARUSO, JOHN V CARUSO and Petition for allowance of fees filed.

COUNSEL:

ALBERT J CARUSO	(PET)...	MARK J. A. FLORY
JOHN V CARUSO	(PET)...	MARK J. A. FLORY
ALEXANDER F CARUSO	(DEC)...	

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

First and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued 5/14/07.
2. Did decedent have a predeceased spouse who received Medi-Cal benefits? Need verified supplement.
3. Petitioners allege that a release of claim by creditor International Probate Research (\$861.07) has been negotiated and that a Release of Claim will be received prior to this hearing. Need same.
4. Petitioners paid \$65 graduated filing fee above \$320 base filing fee. Per Burkey v. State of California (2008) 161 Cal.App.4th 465, graduating filing fees are not due. A refund has not been requested. Any request for refund must be in writing and must attach a proposed order.
5. Co-petitioners request \$9,604.02 statutory fees (to be shared equally). Calculated. Appears ok.
6. Atty requests \$9,604.02 statutory fees. Calculated. Appears ok.
7. Atty requests \$743.10 reimbursement for costs advanced. Itemized. Appears ok.

8. Schedule of disbursements show several "Cash Disbursements" without explanation. There are "Redemptions" of a brokerage account usually reflected in similar amounts on near dates but if they are mere changes in the form of the asset then one entry would be in the receipts and one would be in disbursements so they would balance (as opposed to both being in the disbursements as stated). See, e.g., 6/15/07 for \$20,000; 7/25/07 for \$31,242.02; 8/20/07 for \$99,097.34; 9/6/07 for \$47,893.92; 10/4/07 for \$41.87. Need verified supplement explaining/supporting.

RECOMMENDATION

Need to clear notes.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700539

CASE NAME: FRANK K BRUNO

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JUDITH LARRABEE (PET)...JEANNE M FITZGERALD
FRANK H BRUNO (DEC)...

GENERAL INFORMATION:

Continued from 1/10/08 at request of counsel.

Continued from 3/20/08. I&A with Probate Referee. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Partial Inventory is filed. Need final inventory.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. § 2614.5 and/or 8505.

(gls/abs)

FUTURE HEARING DATES:

9/11/08 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700721

CASE NAME: MARIA RUBALCAVA TRUST

HEARING:

Petition for ORDER COMPELLING ACCOUNTING OF TRUST ASSETS BY
TRUSTEE

COUNSEL:

MARIA GARCIA RUBALCAVA (PET)...JULIA M WOOD
ESPERANZA LARA (PET)...ROBERT J SPITZ

GENERAL INFORMATION:

Continued from 9/5/07 at request of counsel to clear notes.

Continued from 10/24/07 at request of counsel – accounting to be filed. Nothing new filed.

Continued from 1/30/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON Petition to compel trust accounting and to return real property under Pr.C.§850(a)(3)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner is the settlor of the Revocable Trust. Upon creation of the Trust petitioner/settlor named Esperanza Lara (settlor's daughter) as trustee.
2. Petitioner alleges the Esperanza Lara as trustee has encumbered the trust property (petitioner's residence) with a reverse mortgage loan and has not accounted for the use of the loan proceeds.
3. On 4/24/07 petitioner revoked the Trust and requested trustee to return the title of the property to petitioner. Petitioner alleges trustee refuses to sign the deed returning the property to the petitioner.
4. Petitioner requests an accounting of trust assets, the transfer of property to petitioner, and charge the trustee for petitioner's attorney fees and costs of \$2,500. The accounting request complies with Pr.C. §17200(a)(7).

5. **Response filed by Esperanza Lara alleging that the Probate Code provides adequate grounds for a petition for an accounting and the Trust at paragraph 6.12 waives respondent's duty to account.**

RECOMMENDATION:

Set for contested hearing.

(abs/gls/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700769

CASE NAME: DIANNE MARIE TRAN

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

BUZ RICO (PET)...PRO/PER

DIANNE MARIE TRAN (DEC)...

DEPARTMENT OF HEALTH CARE SERV(TP)...PRO/PER

VACATED – FINAL I&A FILED

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700903

CASE NAME: BASIL IVAN FITZALLAN LORD

HEARING:

Hearing Re: STATUS OF CASE.

COUNSEL:

REGINALD O LORD (PET)...THOMAS W DOMINICK
BASIL IVAN FITZALLAN LORD (DEC)...
JOY ANNE ANDERSON (RES)...HARTNELL LISTER & MOORE

No notes – status.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800201

CASE NAME: RONALD D. MILLER

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

	COUNSEL:
LEESA SMITH	(PET)...BRADLEY
RONALD D. MILLER	(DEC)...
DEBORAH L MILLER	(PET)...RITTER & LE CLERE

No file available for review.

OUT 4/23/08 Petition for Letters of Admin. W/ Full Authority under IAEA.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800355

CASE NAME: STEPHEN AND MARY LAWRENCE REVOCABLE TRUST

HEARING:
Petition for DECLARATORY RELIEF UNDER THE SAFE HARBOR PROVISIONS

COUNSEL:
MIA LAWRENCE (PET)...DAVID A. LEVIN

No file available for review.

FILE IS IN LAW & MOTION.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800357

CASE NAME: KATHLEEN ELIZABETH FLEMING

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

CLARENCE KIRTLEY (PET)...HORSPOOL & PARKER
KATHLEEN ELIZABETH FLEMING (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters of administration, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Sole heir waives bond.

RECOMMENDATION

RFA subject to note 1, no bond. If approved, set hearing re Inventory & Appraisal for 12/24/08. Set accounting/status review for 7/29/09. Accounting to be filed 30 days prior. Note Local Rule re filing of bank/investment statements.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800359

CASE NAME: AUBREY D. WILSON

HEARING:
Petition to determine succession to Real Property

	COUNSEL:
CAROL JOHNSON	(PET)...LUCE FORWARD HAMILTON & SCRIPP
SANDRA SMITH	(PET)...LUCE FORWARD HAMILTON & SCRIPP
AUBREY D. WILSON	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Decedent died intestate in 2006. Petitioner (his two daughters and sole heirs) seek succession of decedent's real property on the basis that decedent left everything to them in a will that is now lost, and that in any event they are decedent's sole heirs. Normally, petitioner would need to establish the validity of the lost will and state its material provisions (When a will is lost, and was last in the testator's possession, it is presumed that the testator destroyed the will with the intent to revoke it. Pr.C. 6124. This presumption affects the burden of producing evidence and unless petitioner can overcome the presumption, no valid will exists.) On the other hand, petitioners are the sole heirs anyway?
JTD.
2. I&A filed indicating \$25,000 real property value.

RECOMMENDATION

Court's discretion. If approved, no future dates need be set.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02707

CASE NAME: VIRGINIA LEE PARKER

HEARING:
Hearing re Final Discharge

COUNSEL:
VERONIKA LYNN TAYLOR (PET)...RICHARD A LEHN
VIRGINIA LEE PARKER (DEC)...

GENERAL INFORMATION

**Continued from 12-18-07 at the request of counsel to clear notes.
Continued from 2/26/08. Court set aside prior order for final distribution on basis
petitioner had indicated that no taxes were due when in fact they were. Nothing
new filed.**

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need new petition for final distribution (prior order was set aside – see above).
Receipts and petition for final discharge are not yet relevant in light of need for new
final distribution order. However, suggest court inquire re whether distribution has
been made. Court may wish to set OSC re return of estate property forthwith.

RECOMMENDATION:
Court's discretion.

NMT/abs

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02884

CASE NAME: JOSE AND GUADALUPE HERNANDEZ LIVING TRUST

SEE ALSO 18A & 19

HEARING:

Petition for FOR ORDER DISQUALIFYING OPPOSING COUNSEL RICHARD
ANDERSON

COUNSEL:

MARGARET HERNANDEZ (PET)...AAEN LAW PARTNERS
MARK HERNANDEZ (PET)...AAEN LAW PARTNERS
JOSE HERNANDEZ (DEC)...
GUADALUPE HERNANDEZ (DEC)...
MARGIE FRY (OBJ)...RICHARD G ANDERSON

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for Order Disqualifying Opposing Counsel, Richard Anderson

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Surviving spouse (wife) seeks to disqualify counsel for surviving son on the basis that there is a dispute regarding entitlement to the distribution of trust and estate property, that counsel for son (attorney Richard Anderson) represented decedent and surviving spouse by drafting the estate planning documents, and therefore that counsel for son is violating Rules of professional Conduct, Rule 3-310 by representing a client in litigation against a former client that bears a "substantial relationship" to the earlier proceedings.
2. Need notice of hearing and proof of service.
3. No opposition filed as of date of review.

RECOMMENDATION

Need notice, then court's discretion.

/abs

FUTURE HEARING DATES: 6/12/08 Readiness Calendar, 6/18/08 Court Trial

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02884

CASE NAME: JOSE AND GUADALUPE HERNANDEZ LIVING TRUST

SEE ALSO 18 & 19

HEARING:

Petition for DETERMINE PERSONS ENTITLED TO DISTRIBUTION OF ESTATE

COUNSEL:

MARGARET HERNANDEZ (PET)...AAEN LAW PARTNERS
MARK HERNANDEZ (PET)...AAEN LAW PARTNERS
JOSE HERNANDEZ (DEC)...
GUADALUPE HERNANDEZ (DEC)...
MARGIE FRY (OBJ)...RICHARD G ANDERSON

GENERAL INFORMATION:

Continued from 4/15/08 to be heard with petition to disqualify counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition to Determine Persons Entitled to Distribution of Estate

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, Margie Fry, is the daughter and successor trustee of the Jose M. and Guadalupe Hernandez Living Trust dated 1/30/03. Jose M. Hernandez died on 10/28/99. At his death, those assets of Jose Hernandez were distributable to the Marital Life Estate Trust with Guadalupe Hernandez as the life beneficiary. Following Jose Hernandez' death, Victor Hernandez acted as successor trustee of the Trust. Under the provisions of the Trust at Article V (C) 4, if Jose Hernandez is the deceased spouse, the final beneficiaries of the Marital Life Estate shall be Victor Hernandez, Margie Fry and Gloria Cruz. Victor Hernandez, successor trustee and beneficiary, died 9/20/02. Petitioner alleges a dispute exists by Margaret Hernandez who

claims to be a beneficiary of her deceased husband, Victor Hernandez, with regard to the trust estate and concerning the persons entitled to the distribution in the Hernandez Marital Life Estate. The trust does not provide for succession of beneficiaries in the event of the death of one of the named beneficiaries. Petitioner further alleges Margaret Hernandez claims that as a result of the death of Guadalupe Hernandez, Margaret Hernandez and/or the estate of Victor Hernandez are entitled to distribution of a proportionate share of the Marital Life Trust Estate. There are following issues/concerns re Trust:

- (a) Need copy of Trust. Petitioner alleges Trust is attached as Exhibit "A" but the Trust is not attached.
- (b) Question the date of death of Guadalupe Hernandez? File verified supplement.

2. Response/Objections filed by Margaret and Mark Hernandez.

RECOMMENDATION:

Need to clear notes, then set for contested hearing.

(gls/abs)

FUTURE HEARING DATES:

6/12/08 Readiness Calendar

6/18/08 Court Trial

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02884

CASE NAME: JOSE AND GUADALUPE HERNANDEZ LIVING TRUST

SEE ALSO 18 & 18A

HEARING:

THIRD CURRENT Account and Report of MARGIE FRY and Petition for allowance of fees filed.

COUNSEL:

MARGARET HERNANDEZ (PET)...AAEN LAW PARTNERS
MARK HERNANDEZ (PET)...AAEN LAW PARTNERS
JOSE HERNANDEZ (DEC)...
GUADALUPE HERNANDEZ (DEC)...
MARGIE FRY (OBJ)...RICHARD G ANDERSON

GENERAL INFORMATION:

Accounting covers period: 10/1/05 – 9/30/06

**Continued from 1/10/08 & 2/13/08 at request of counsel to file amended accounting.
Continued from 4/15/08 to be heard with petition to disqualify counsel. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Third Account Current and Petition for Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner notes that this is a "third" account. However, the second account (not yet approved) covers the period 9/30/06 – 5/31/07. Thus, this should be an amended second account current as the third accounting dates cannot precede the second accounting. In addition, the first accounting of the trust has, likewise, not been approved and is contested. The first accounting period ends 6/3/03. Thus, there is a lapse of an accounting for the period 6/4/03 – 9/30/05. Need to file *one* amended accounting.

2. As there is a lapse between the end of the first accounting (i.e., 6/3/03) and the start of this accounting (i.e., 10/1/05) there is no way to confirm whether this accounting actually balances.

RECOMMENDATION:

Court may wish to require *one* amended accounting to cover entire accounting period.
(gls/kra/gls/abs)

FUTURE HEARING DATES:

6/12/08 Readiness Calendar

6/18/08 Court Trial

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS03041

CASE NAME: HAZEL L POWELL

HEARING:

Petition for FOR FINAL DISTRIBUTION ON WAIVER OF ACCT AND FOR
APPROVAL OF STATUTORY ATTY'S FEES

COUNSEL:

JOHN L POWELL	(PET)...	WILLIAM M NASSAR & ASSOCIATES
HAZEL M POWELL	(DEC)...	

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for final distribution upon waiver of accounting and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued 10/18/06.
2. Both beneficiaries waive accounting.
3. Petitioner waives compensation.
4. Atty requests \$9,727.77 statutory fees. Calculated. Appears ok.
5. Petitioner alleges that \$65 graduated filing fee will be paid with the filing of this petition. Per Burkey v. State of California (2008) 161 Cal. App. 4th 465, graduating filing fees are not due. A refund has not been requested. Any request for refund must be in writing and must attach a proposed order.

RECOMMENDATION

RFA. If approved, set hearing re receipts and final discharge for 5/27/09.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS05010

CASE NAME: ESTATE OF SHERIAN SUE MOLLER

SEE ALSO COMPANION FILE SPRSS05011 ON FOLLOWING PAGE.

HEARING:

SECOND AND FINAL Account and Report of SHERI L MURRAY and
Petition for allowance of fees filed.

COUNSEL:

SHERI L MURRAY	(PET)...	FULLERTON LEMANN SCHAEFFER & D
SHERIAN SUE MOLLER	(DEC)...	
SHARON DOVALE	(TP)...	MARTIN E KELLER
LISA M UNDERWOOD	(PRO/PER	)...PRO/PER
HEIR BUYOUT COMPANY	(PRO/PER	)...PRO/PER
MARTIN E KELLER	()...
INHERITANCE FUNDING COMPANY, L	(PRO/PER	)...PRO/PER
STATE OF CALIFORNIA FRANCHISE	(PRO/PER	)...PRO/PER

GENERAL INFORMATION: continued from 11/26/07. Court granted statutory fees and extraordinary costs.

**Continued from 01-10-08 at request of counsel to file response to objections.
Nothing new filed.**

Continued from 3/19/08 for proper objections to be filed. Nothing new filed.

THIS CASE IS SET FOR HEARING ON 2nd & Final Account and Petition for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Report indicates that the beneficiaries of both estates have agreed that the bulk of the assets of the two estates will be distributed 60% to the heirs of Mr. Moller's estate and 40% to the heirs of Mrs. Moller's estate, as well as the 60/40 split of statutory and extraordinary compensation requested. This

stipulation is set forth in the Amended Court Transcript under SCVSS105512 which hearing took place on 1/30/04 (copy of transcript attached). All beneficiaries were present at this hearing and all acknowledged the stipulation.

2. Petitioner alleges there are outstanding fiduciary income tax returns. Those being the 2005 and 2006 returns which are currently on extension. Petitioner alleges that the accountant is currently working on the returns and will file the returns soon.
3. Petitioner requests to withhold the sum of \$15,000 (or \$30,000 cumulative from both estates) as a reserve for any closing costs and/or income taxes and tax liability.
4. Objections filed by Lisa Foster as to whether prudent investor was utilized in selling stocks, whether tax returns and unified credit was applied correctly, the extraordinary rate charged by the administrator at \$40/hour is excessive and other personal property items have not been delivered as stated.
5. Need proof of service of objections upon attorney and interested parties.
6. **Objections filed by Sharon Dovale (daughter) alleging petitioner mismanaged the estate by causing unnecessary delays in the payments of taxes resulting in penalties to the estate. Respondent further objects to petitioner's \$40/hour for performance of extraordinary services which objector believes is excessive.**
7. **Objection filed in the form of objection to a notice of proposed action. As this is an improper form, does court wish to deem this an objection? Objector objects to the 2nd & final account, fees and distribution. Need proof of service.**

RECOMMENDATION:

Set for contested hearing.

(/vet/gls/kra/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS05011

CASE NAME: ESTATE OF JAMES L. MOLLER

SEE ALSO COMPANION FILE SPRSS05010 ON PRECEDING PAGE.

HEARING:

SECOND AND FINAL Account and Report of SHERI L MURRAY and
Petition for allowance of fees filed.

COUNSEL:

SHERI L MURRAY	(PET)...	FULLERTON LEMANN SCHAEFFER & D
JAMES L MOLLER	(DEC)...	
SHARON DOVALE	(TP)...	PRO/PER
LISA M UNDERWOOD	(PRO/PER	)...PRO/PER
MARTIN E KELLER	()...
INHERITANCE FUNDING COMPANY, L	(PRO/PER	)...PRO/PER

GENERAL INFORMATION:

COMPANION CASE SPRSS05011

Continued from 11/26/07. Court overrules objections filed by Lisa Foster because it was filed in a probate case where Lisa Foster has no standing and she is not a beneficiary. Attorney Keller is to file objections by 12/10/07. Court granted statutory fees and extraordinary costs.

Continued from 01-10-08 at request of counsel to file response to objections.

Nothing new filed.

Continued from 3/19/08 for proper objections to be filed. Nothing new filed.

THIS CASE IS SET FOR HEARING ON 2nd & final account and petition for fees and final distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Report indicates that the beneficiaries of both estates have agreed that the bulk of the assets of the two estates will be distributed 60% to the heirs of Mr. Moller's estate and 40% to the heirs of Mrs. Moller's estate, as well as the 60/40 split of statutory and extraordinary compensation requested. This stipulation is set forth in the Amended Court Transcript under SCVSS105512 which hearing took place on 1/30/04 (copy of transcript attached). All beneficiaries were present at this hearing and all acknowledged the stipulation.
2. Petitioner alleges there are outstanding fiduciary income tax returns. Those being the 2005 and 2006 returns which are currently on extension. Petitioner alleges that the accountant is currently working on the returns and will file the returns soon.
3. Petitioner requests to withhold the sum of \$15,000 (or \$30,000 cumulative from both estates) as a reserve for any closing costs and/or income taxes and tax liability.
4. **Objections filed by Lisa Foster were overruled on 11/26/07.** Objections filed again in the form of objection to a notice of proposed action. As this is an improper form, does court wish to deem this an objection? Objector objects to the 2nd & final account, fees and distribution. Need proof of service. On 11/26/07 the court overruled the earlier objections as it was filed in a probate case where Lisa Foster has no standing and she is not a beneficiary.
5. **Written objections are filed by Attorney Keller in matter SPRSS05011.**

RECOMMENDATION:

If approved, and no objections are filed, court to set hearing on filing receipts and final discharge for 5/27/09.

(/vet/gls/kra/abs)

Superior Court of Calif, County of San Bernardino
Page: 22A
CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07219

CASE NAME: ESTATE OF SARAH M WEATHERMAN

HEARING:

Hearing Re: REPORT ON STATUS OF ADMINISTRATION.

COUNSEL:

VIRGINIA WEATHERMAN TALLEY (PET)...WALTER T. MOORE

SARAH M WEATHERMAN (DEC)...

GENERAL INFORMATION:

Continued from 4/21/08 for review of supplement.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters of Administration issued on 10/12/06
2. Court approved status report on 2/25/08 as the estate real property has not been sold.
3. Supplement to status report filed 2/25/08 indicating that attempts to sell the real property have not been successful, that value of the property is now below what is owed, that petitioner will not continue to advance mortgage payments and costs for the estate, that creditor claims have been filed, that administration of the estate should be closed, and that atty waives fees unless assets are later found and the estate is reopened. Real property to be lost to a trustee's sale by mortgage company.
4. Filed I&As indicate estate property is the Crestline real property and an \$8,000 vehicle. File review shows that the two claims are \$4,000 by counsel and \$9,652.78 by the State of California Franchise Tax Board. No statement is made re the satisfaction of the claims via the auto or otherwise what is to become of the auto that has been marshaled. Need verified supplement.
5. Petitioner alleges that the creditors will receive a copy of this claim. Need proof of service for Franchise Tax Board.

RECOMMENDATION:

Need to clear notes.

(/kra/kra/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07245

CASE NAME: ESTATE OF RICHARD R PERROTT

HEARING:

Petition for ORDR DETERMING INTEREST AND TITLE TO REAL PROPERTY
AND DIRECTING TRANSFER OF TITLE

COUNSEL:

PATTI PERROTT	(PET)...	GREGORY T ANNIGAN
RICHARD R PERROTT	(DEC)...	
EVAN PERROTT	(OBJ)...	DILL AND SHOWLER
DONALD L EDGAR	(MAY LEE TONG	)...MAY LEE T
MICHAEL S KAHN	(PRO/PER	)...PRO/PER

No file available for review.

OUT 5/06/08 Hearing re: Inventory and appraisal & 5/06/08 Accounting Review & 5/06/08 Petition for REMOVAL OF PERSONAL REPRESENTATIVE

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS002805

CASE NAME: IN RE TIERRA JONES (A MINOR)

HEARING:
Accounting Review

COUNSEL:
ANNA GREEN (PET)...THE GROSSMAN LAW FIRM A.P.C
TIERRA JONES (MIN)...
BOND SERVICES OF CALIFORNIA (TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. First trust accounting approved 5/16/07.
2. Need next accounting.
3. **Notice of non-payment of bond premium filed by bond company 2/20/08.**

RECOMMENDATION

Set OSC re bond premium. When the trustee fails to file and accounting as ordered, the court may take the action specified in Pr.C. § 800 and CCP § 128.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS002817

CASE NAME: ESTATE OF VIRGIE L LYON

HEARING:
Hearing re Final Discharge

	COUNSEL:
JERRY W LYON	(PET)...DIANA J CARLONI
VIRGIE L LYON	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. First and final account approved 7/11/07.
2. Need receipts and petition for final discharge.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, the court may set a hearing in accord with Pr.C. § 8505.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS002821

CASE NAME: ESTATE OF ERNESTINE DANSBY

SEE ALSO 27

HEARING:

Hearing Re: PETN FOR ORDER TO RECOVE ASSETS & IMPOSE CONST TRT.

COUNSEL:

DENISE L MARTIN	(PET)...	WINGERT GREB ING BURBAKER &GOO
ERNESTINE DANSBY	(DEC)...	
MARIAN DANSBY	(PET)...	RIPLEY & ASSOCIATES
VERNON C DANSBY	(OBJ)...	STANLEY W HODGE
CYNTHIA HADNOT	(STANLEY W HODGE	)...STANLEY W
HEIR BUYOUT COMPANY	(PRO/PER	)...PRO/PER
PEOPLE	(MICHAEL A RAMOS	)...MICHAEL A
STUART L WALLACH	(PRO/PER	)...PRO/PER

GENERAL INFORMATION

Continued from 11/8/06 at request of counsel as matter is pending in criminal trial.

Continued from 3/28/07at request of Mr. Servais. Mr. Servais states a criminal action is pending. A joint status report to be filed. Nothing new regarding this issue is filed.

Continued from 5/30/07. Criminal action still pending.

Continued from 8/1/07 Counsel requests mediation and court orders mediation held within 90 days. Status of mediation efforts to be addressed at next hearing.

Continued from 11/14/07 and 2/13/08 as settlement was reached and for settlement agreement to be filed.

Continued from 4/2/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON amended petition for order to recover property (Pr.C. § 850)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, administrator of estate, alleges that decedent and decedent's spouse owned certain property together as joint tenants. It is alleged that the surviving spouse feloniously and intentionally killed the decedent. It is alleged that after the death of the decedent the surviving spouse transferred some of the assets to his own trust to the exclusion of the decedent's estate. Petitioner, pursuant to Pr.C. § 850 and 856, requests that the property be restored to the estate and that other properties held jointly be divided so that the estate would hold its one half interest in all such properties. Petitioner also requests that all estate properties in the possession of the surviving spouse or his trustee be deemed held in a constructive trust.
2. Pursuant to the petition, the surviving spouse is being detained awaiting trial on a murder charge. He has not yet been convicted. Pr.C. § 251 would appear to require some degree of proof that the respondent actually committed the murder.
3. Do not see a proof of personal service on Cynthia Hadnot. However, Hadnot has filed an objection or response to the 1st amended complaint. Court could deem her to have waived a right to service.
4. **There are responses in the file from Vernon Dansby and Cynthia Hadnot. Matter is contested.**

RECOMMENDATION:

Need settlement agreement. Alternatively, determine if discovery needs to be done. Set matter for contested hearing.

(/kra/gls/abs)

FUTURE HEARING DATES:

12/31/08 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS002821

CASE NAME: ESTATE OF ERNESTINE DANSBY

SEE ALSO 26

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:

DENISE L MARTIN	(PET)...	WINGERT GREB ING BURBAKER &GOO
ERNESTINE DANSBY	(DEC)...	
MARIAN DANSBY	(PET)...	RIPLEY & ASSOCIATES
VERNON C DANSBY	(OBJ)...	STANLEY W HODGE
CYNTHIA HADNOT	(STANLEY W HODGE	)...STANLEY W
HEIR BUYOUT COMPANY	(PRO/PER	)...PRO/PER
PEOPLE	(MICHAEL A RAMOS	)...MICHAEL A
STUART L WALLACH	(PRO/PER	)...PRO/PER

GENERAL INFORMATION:

Continued from 8/1/07 at request of counsel as mediation held within 90 days. Status of mediation efforts to be addressed at next hearing.

Continued from 11/14/07, 2/13/08 and 4/2/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON filing Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Partial No. 1 Inventory is filed. P to recover property is pending.

RECOMMENDATION:

Court's discretion.

(/kra/gls/abs)

FUTURE HEARING DATES:

12/31/08 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS002943

CASE NAME: ESTATE OF BARBARA EDITH SMOLAR

SEE ALSO 29

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
TRISHA MARIE ORTEGA (PET)...EDDIE RUIZ
BARBARA EDITH SMOLAR (DEC)...

GENERAL INFORMATION

Continued from 11/28/07. No appearance. There is no indication that clerk mailed notice.

Continued from 1/30/08. No appearance. Court also set OSC re sanctions. Clerk mailed notice.

Continued from 4/2/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON Inventory & Appraisal.

THE FOLLOWING ISSUES AND / OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted on 5/23/07, no bond.
2. Final I&A filed. Need bank statement per Local Rule 20-908.

RECOMMENDATION:

When Inventory and Appraisal is not filed as ordered, the court may set a hearing in accord with Pro. C. § 2614.5 (Conservator or Guardian), §8804 (Administrator or Executor) and or §8505. No bond company to notice.

(abs/abs)

Future Hearing Dates:
7/30/08 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS002943

CASE NAME: ESTATE OF BARBARA EDITH SMOLAR

SEE ALSO 28

HEARING:
OSC re: Sanctions

COUNSEL:
TRISHA MARIE ORTEGA (PET)...EDDIE RUIZ
BARBARA EDITH SMOLAR (DEC)...

See prior page.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS003243

CASE NAME: ESTATE OF LUCILLE G CASS

HEARING:
Accounting Review

COUNSEL:
MARY ANN BARNARD (PET)...JO ANN MCDOLE
LUCILLE G CASS (DEC)...
ROBERT CASS (RES)...
MERLO CASS ()...

GENERAL INFORMATION

Continued from 1/23/08 - pending law and motion.

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 11/28/06, no bond.
2. Need accounting or probate status report.

RECOMMENDATION

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

/abs

FUTURE HEARING DATES:
9/18/08 Readiness Calendar
9/22/08 Court Trial

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

CONSERVATORSHIP

DATE: 05/21/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700285

CASE NAME: CHRISTOPHER GRANT

HEARING:
Petition for Appointment of Conservator

COUNSEL:
RONNIE GRANT (PCR)...PRO/PER
CHRISTOPHER GRANT (PCE)...SANDY TURNER

GENERAL INFORMATION

Continued from 1/02/08 and 3/5/08 at request of court. Clerk's office notified regional center on 1/03/08 with copy of petition and minute order dated 1/2/08. Continued from 4/2/08 per request of IRC.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person only, by father.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Medical powers sought. File capacity declaration.
2. Conservatee developmentally disabled.
3. Need IRC report. IRC previously requested a continuance to after 4/1/08.
4. Citation returned.
5. Conservatee **CAN** complete voter affidavit.
6. Court Investigator report is in the file with no adverse findings.
7. Court has appointed Attorney Turner to represent the Conservatee. Need report of counsel.

RECOMMENDATION:
Need to correct notes.

NMT/kms/cbr/gls/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700301

CASE NAME: CELESTINO MARTINEZ

HEARING:
Petition for Appointment of Conservator

COUNSEL:

JOHN A MARTINEZ	(CPE)...INDU SRIVASTAV
JAMES E MARTINEZ	(CPE)...INDU SRIVASTAV
CELESTINO MARTINEZ	(CEP)...NOREEN FONTAINE

GENERAL INFORMATION

Continued from 1/30/08. No appearance. OSC re dismissal set for 4/2/08. Clerk mailed notice.

Continued from 3/26/08. Court appointed atty Celestino Martinez for proposed conservatee. Counsel for proposed conservators to personally serve proposed conservatee and file return of citation. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship, person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests \$13,800 bond based upon estate value and annual income of same. As of 1/1/08, bond must be increased to include a reasonable amount for the cost of recovery to collect on the bond. For estates less than \$500,000 a 10% increase has been determined to be the reasonable amount of increase. Pr.C. 2320(c)(4), CRC Rule 7.207. In any event, minimum bond premium buys \$20,000 bond. Suggest \$20,000 bond.
2. Petitioner requests medical powers. Need medical capacity declaration supporting.
3. Petitioner requests dementia powers. Need dementia capacity declaration supporting.
4. CI report filed.
5. Need appointment of counsel (dementia) and report of same.

6. Need attendance of proposed conservatee or return of citation and basis for non-appearance of proposed conservatee. **Proof of personal service filed. However, it is not a return of citation. Also, there were issues re service of proposed conservatee (he was not personally served – see tab in file). Suggest court require attendance or personal service and return of citation. Appears from CI report that conservatee could attend. (Return of citation ordered filed during 3/26/08 hearing.)**

RECOMMENDATION

Need to clear notes.

(abs/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/21/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800089

CASE NAME: MARCIA F HAMMOND

HEARING:
Petition for Appointment of Conservator

COUNSEL:
BARRY HAMMOND (CPE)...PRO/PER
MARCIA F HAMMOND (CEP)...

GENERAL INFORMATION

Petition for temporary conservatorship taken off calendar 4/14/08 – no appearance.

THIS CASE IS SET FOR HEARING ON
Petition for conservatorship, person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests \$732,400 bond based upon estate value and annual income of same. As of 1/1/08, bond must be increased to include a reasonable amount for the cost of recovery to collect on the bond. Increase has been determine to be 10% of first \$500,000 and 12% of next \$500,000. Pr.C. 2320(c)(4), CRC Rule 7.207. Suggest \$811,000 bond.
2. Petitioner requests authority per Pr.C. 2590 and 2351-2358 to make health care decisions for the proposed conservatee. Issues:
 - a. Petitioner did not state request for general medial powers at section 1g. Does court wish to require amendment re same (and new proof of service) to clarify petitioner's request (due process concern)? JTD.
 - b. Need medical capacity declaration.
3. Petitioner requests dementia powers (meds and placement). Need dementia attachment to medical capacity declaration.
4. Need notice of hearing and proof of service or due diligences for Andrea Hammond and Nicole Hammond (granddaughters) – will also need for Notice of Conservatee's Rights form.

5. Need appointment of counsel (dementia) and report of same.
6. Need CI report.
7. There is only one petitioner (son) but he requests appointment of himself and spouse/proposed conservatee's daughter-in-law (Blanca Hammond). Issues:
 - a. Need Confidential Screening Form for Blanca Hammond.
 - b. Need Duties form signed by Blanca Hammond.
 - c. Many forms throughout the file have Blanca Hamond's name and/or signature whited-out. Need clarification from petitioner re whether Blanca is still to be appointed a co-conservator.
8. Suggest court review Confidential Screening Form (tabbed).
9. Need attendance by proposed conservatee or return of citation and basis for non-attendance.

RECOMMENDATION

Need to clear notes.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

MISC.

DATE: 05/21/08 TIME: 1:30 DEPT: E1

CASE #: CONPS0700163

CASE NAME: SARA JEAN GANDEE

HEARING:
Mandatory Settlement Conference

COUNSEL:

MARGARET GANDEE	(CPE)...JO ANN MCDOLE
SARA JEAN GANDEE	(CEP)...JEANNE KENNEDY
PATRICK L GANDEE	(OBJ)...JAMES

No notes – MSC.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN **PROBATE**

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: BPRBS00948

CASE NAME: BOBBY MERLYN DOUGLAS

HEARING:
Hearing Re: Receipts and Final Discharge.

COUNSEL:
SUSAN JOHNSON (PET)...EDWARD G. OPERINI
BOBBY MERLYN DOUGLAS (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for final distribution granted 5/16/07, order not entered until 10/12/07.
2. Need receipts and petition for final discharge.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, the court may set a hearing in accord with Pr.C. § 8505.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: BPRBS00400

CASE NAME: IN THE MTTR OF FRANCES MULLIGAN

HEARING:
Accounting Review

COUNSEL:
DEBORAH SUSAN PRYOR (PET)...
FRANCES CORRINE MULLIGAN (DEC)...
STATE OF CALIFORNIA FRANCHISE (ANY)...
JEANNE E KENNEDY (PRO/PER)...PRO/PER

GENERAL INFORMATION

Continued from 4/23/08. No appearance. Court ordered administrator to appear and file accounting or status report or court will consider setting OSC re sanctions. Clerk mailed notice. Nothing new filed.

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 6/20/07, no bond.
2. Per status report approved 10/10/07, estate was not ready to close because research was needed re the benefit of liquidating Needles, CA estate real property. An additional six months was requested for administration and this new accounting review was set.
3. Need accounting or new status report.

RECOMMENDATION

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600180

CASE NAME: MTR OF JOHN G DEWORKEN

HEARING:
Accounting Review

COUNSEL:
JOHN R DEWORKEN (PET)...PRO/PER
JOHN G DEWORKEN (DEC)...

GENERAL INFORMATION

Continued from 4/16/08. No appearance. Clerk mailed notice.

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 2/7/07, no bond.
2. No accounting or status report filed. Need same.
3. Representative's attorney substituted out of case 10/17/07.

RECOMMENDATION

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600324

CASE NAME: CLIFFORD JOHN DANIEL PARLER

HEARING:
Accounting Review

COUNSEL:
BARBARA PARLER (PET)...BRADLEY
CINDY CAMPERLENGO (PET)...BRADLEY
CLIFFORD JOHN DANIEL PARLER (DEC)...
PATRICK JOHN PARLER (OBJ)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 3/14/07, no bond. Letters issued 4/2/07.
2. Need accounting or probate status report.

RECOMMENDATION

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600334

CASE NAME: MTR OF ERIN ELIZABETH WILSON

SEE ALSO 5

HEARING:

Petition for ESTABLISHMENT OF ESTATE'S OWNERSHIP TO BANK
ACCOUNTS AND PERSONAL PROPERTY

COUNSEL:

SUSANNE CHRISTENSEN (PET)...JAMES BRUCE MINTON
ERIN ELIZABETH WILSON (DEC)...
CLIFFORD BRACE (OBJ)...HODGE & BARTOUMIAN

GENERAL INFORMATION:

Continued from 10/17/07 and 11/28/07 at request of counsel – criminal litigation pending.
Continued from 2/20/08. No appearance and court set OSC re Sanctions.

**Continued from 4/2/08 at request of counsel to file report re status of civil case.
Nothing new filed.**

THIS CASE IS SET FOR HEARING ON petition to establish ownership and order
directing transfer (Pr.C. §850(a)(2))

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Need notice of hearing and proof of personal service upon Clifford Base per Pr.C. §851.
2. Petitioner is the daughter and personal representative of decedent's estate. Petitioner alleges that at the time of death decedent was the owner and 100% shareholder of a Nevada based corporations All Construction Services with the title held under an alias of Robert L. Keller and Orange Tree Fund Inc under the alias of David E. Walton. Petitioner alleges the companies were held under aliases upon the recommendation of Clifford Brace for the purpose of perpetrating fraud upon the decedent.

3. Petitioner alleges that as the incorporator and sole owner under the aliases of David Walton and Robert Keller, the corporations were operated not as a separate entity, but as herself (the decedent), her alter ego as such that there is no distinction between the acts of the corporation and the acts of the decedent.
4. Petitioner alleges that since decedent's death Mr. Brace has taken possession of all the corporate books and records and refuses to return them; committed fraud by assuming ownership of the corporations by impersonating the aliases of Robert Keller and David Walton; encumbering the title of decedent's home in Apple Valley, CA for the sum of \$300,000 and transferred title of the property to a third person. Upon learning of this the personal representative notified the DA and charges were filed against Mr. Brace (FSB701634).
5. Petitioner has also filed a civil action against Mr. Brace to Quiet Title to Real Property; Cancellation of Deeds; Constructive Trust; Conversion; Fraud and Deceit; Abuse of Dependent Adult; and Declaratory Relief (VCVVS04885).
6. Petitioner seeks a determination of the ownership of the corporations by the estate in order that the estate may exercise its incidence of ownership in handling all matters pertaining to the corporations. Petitioner requests the court determine that the decedent was the true owner and 100% shareholder in the Nevada based corporations; and that Clifford Brace be ordered to transfer all of the corporate books, records, assets, funds, and bank records to decedent's personal representative.
7. Petitioner also requests Clifford Brace be ordered to pay the estate an amount equal to twice the value of all property hidden, fraudulently sold or wrongfully taken from the corporations. Petitioner has not provided a basis or authority for this request.

RECOMMENDATION:

Court will need to determine if the rulings in this action could conflict with/or impact the rulings in the civil action. Should the court sever portions of this action and order it resolved in the pending civil suit, see Pr.C.§801. This court has concurrent jurisdiction with the civil court. Court may wish to consider consolidation of all civil issues within one case and reserving to the probate court only those issues relevant to Probate, see also Pr.C.§1048(a).

(/gls/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600334

CASE NAME: MTR OF ERIN ELIZABETH WILSON

SEE ALSO 4

HEARING:
Accounting Review

COUNSEL:
SUSANNE CHRISTENSEN (PET)...JAMES BRUCE MINTON
ERIN ELIZABETH WILSON (DEC)...
CLIFFORD BRACE (OBJ)...HODGE & BARTOUMIAN

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 3/14/07, no bond.
2. Need accounting or probate status report.

RECOMMENDATION

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700714

CASE NAME: OPHA VIRGINIA HEINS

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MERRILEE A WHYDE (PET)...PRO/PER
OPHA VIRGINIA HEINS (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re I&A.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 12/4/07, no bond.
2. Final I&A filed. However, need bank/investment statements per Local Rule 20-908.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, the court may set hearing in accord with Pr. C. §§ 8804 and/or 8505.

FUTURE HEARING DATES:
12/31/08 Accounting Review

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700934

CASE NAME: MARTHA RUTH LATIMER

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

KATHLEEN LATIMER (PET)...DAVID W BROWN
MARTHA RUTH LATIMER (DEC)...

VACATED – FINAL I&A FILED

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800354

CASE NAME: MTR OF BRISTOW FAMILY TRUST DATED 09/16/97

HEARING:

Petition for FOR INSTRUCTIONS AND FOR ORDER CONFIRMING SUCCESSOR
TRUSTEE AND TRUST ASSETS

COUNSEL:

BERTEN W BRISTOW (PET)...WILLIAM M NASSAR & ASSOCIATES
BRISTOW FAMILY TRUST DATED 09/(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for instructions and for confirming successor trustee and trust assets.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Trustor formed an intervivos trust and pour-over will in 1997. trustor died in 2001. Petitioner (son) is the named successor trustee.
2. Petitioner alleges that trustor and his wife owned a real property in Butte County, CA with three other couples, with each couple owning an undivided one-fourth interest (each couple held their interest as joint tenants). In 1971, the couples contributed their interests and formed a general partnership, primarily to manage the property. Title to the property was held in the partners' individual names. One of the couples transferred their interest to their intervivos trust. Trustor and his wife could not transfer their interest into trustor's subject trust because title was still held as husband and wife but the wife had deceased. (Trustor's wife died after the formation of the partnership but before the creation of trustor's trust.) When the trust was formed, trustor deeded his interest in the property into the trust but could not deed wife's portion. The filing of an affidavit of death of joint tenant would clear title re the surviving joint tenant (trustor) but, because the existence of the partnership is not of record, it would clear only to trustor and not the trust.

3. Petitioner proceeds per Estate of Heggstad (1993) 16 Cal.App.4th 943 and requests that the court confirm a one-quarter interest in the property as a trust asset and to confirm petitioner as successor trustee.
4. Schedule of trust Assets attached to trust instrument does not list the subject property by description. Instead it lists, in handwriting, "All my interest in that certain partnership agreement executed March 4, 1971 for the purpose of purchasing land" and a "Partnership Agreement Property (Name) Full Names of All Partners \$1,000 1/5th Share." Issues (Need verified supplement and P&As.):
 - a. Question if undated handwritten amendment to the trust is valid.
 - b. Question how the quoted amendment, if valid, adequately describes the subject property to support a petition per Heggstad, supra.
 - c. If the handwritten portion stated above addresses the subject property, why it referenced a one-fifth share and not the alleged one-fourth share allegedly owned by trustor and wife.
5. Need notice of hearing and proof of service for all of the other three-fourths owners of the subject property (interested parties).
6. Did decedent leave any other heirs-at-law who are not beneficiaries of the will or trust? Need verified supplement and proof of service for any new individuals.

RECOMMENDATION

Need to clear notes.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800356

CASE NAME: HAROLD DESBRISAY WHALLON

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

ELAINE COLEMAN (PET)...RICHARD A MARTIN

HAROLD DESBRISAY WHALLON (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters of administration, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Petitioner is sole heir. No notice due or given.
3. Petitioner waives bond as sole heir.

RECOMMENDATION

RFA subject to note 1, no bond. If approved, set hearing re Inventory & Appraisal for 12/24/08. Set accounting/status review for 7/29/09. Accounting to be filed 30 days prior. Note Local Rule re filing of bank/investment statements.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800358

CASE NAME: JOSEPH ALFRED ESPINOSA

HEARING:
Petition to determine succession to Real Property

COUNSEL:
ANNA ESPINOSA (PET)...SKOUSEN & SKOUSEN
JOSEPH ALFRED ESPINOSA (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is only one of five heirs. All heirs must be a petitioner. (See section 1 of petition and Pr.C. 13151, 13152(a).) Need amended petition with all heirs as petitioners and new proof of service.
2. Petitioner alleges decedent died intestate leaving five children. Petitioner seeks succession to real and personal property.
3. I&A filed indicating \$97,750 estate value.

RECOMMENDATION
Need to clear notes.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800364

CASE NAME: CHARLES SHERMAN HOLLEY

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

CURTIS HOLLEY (PET)...CAROLYN J SCHAUF.
CHARLES SHERMAN HOLLEY (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters of administration, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Petitioner is sole heir. No notice due or given.
3. Petitioner waives bond as sole heir.

RECOMMENDATION

RFA subject to note 1, no bond. If approved, set hearing re Inventory & Appraisal for 12/24/08. Set accounting/status review for 7/29/09. Accounting to be filed 30 days prior. Note Local Rule re filing of bank/investment statements.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS06228

CASE NAME: MTR OF LORENZA A BERNAL

HEARING:

FIRST AND FINAL Account and Report of ANTONIO MURO and Petition
for allowance of fees filed.

COUNSEL:

MARIA GONZALES	(PET)...PRO/PER
LORENZA A BERNAL	(DEC)...
ANTONIO MURO	(PET)...THOMAS V PRATT
MARIA GONZALES	(TP)...PRO/PER

GENERAL INFORMATION:

Continued from 4/10/08. Maria Gonzalez to file and serve any request for statutory fees by 4/25/08 and to give current address to atty Pratt who will re-notice. Nothing new filed.

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that the net proceeds from the sale of real property were deposited into a non-interest bearing account in August 2007. Petitioner has a duty to deposit such funds in an interest-bearing account. Question whether petitioner should be liable for the lost interest per Pr.C. §9601? JTD
2. Petitioner requests reimbursement of \$12,791.85 for costs advanced. Included in such request is postage reimbursement totaling \$8.55. This is not a reimbursable expense per local rule 20-908. Thus, reimbursement of costs should be \$12,783.33.
3. Petitioner requests statutory compensation of \$8,502.50. Ok. However, there was a prior administrator, Maria Gonzales. Question whether any portion of the statutory compensation should be prorated? File verified

supplement. **On 4/10/08, court ordered Maria Gonzalez to file any fee request by 4/25/08. Nothing appears in file. JTD.**

4. Need re-notice per court's order at 4/10/08 hearing.
5. Attorney requests statutory fees of \$8,502.50. Ok.
6. Attorney requests extraordinary fees of \$7,289.65 for services in connection with the removal of the prior administrator whom he also represented. However, need itemization of services including hourly rate charged. File verified supplement.
7. The graduated filing fee shows a refund due the estate in the amount of \$71.00. The actual refund due is \$71.50 as the correct initial filing fee was \$281.50 and the fee of \$353.00 was paid.
8. Need copy of closing statement on sale of real property per local rule 20-910.

RECOMMENDATION:

Need to clear notes.

(gls/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS06232

CASE NAME: ESTATE OF ORELL TAYLOR

SEE ALSO 14

HEARING:
OSC re: ISSUANCE OF LETTERS

COUNSEL:
LINDA TAYLOR (PET)...KAMOLA L GRAY
ORELL TAYLOR (DEC)...
HENRYETTA COOPER (TP)...FULLERTON LEMANN SCHAEFFER & D

GENERAL INFORMATION:

Continued from 1/28/08. No appearance. Citation issued to Linda Taylor and Kamoia Gray. Court sets OSC re failure to appear and why letters have not issued. Continued from 3/20/08 for atty to make contact with client. Atty Gray indicated she cannot locate her client and that the order for probate was signed but letters never issued. Court suspended powers of representative.

THIS CASE IS SET FOR HEARING ON O.S.C. re issuance of letters

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner never submitted letters for issuance. Letters have not issued. Proof of service of citation 2/29/08 as to Kamola Gray filed.
2. Need return of citation as to Linda Taylor. **Citation undeliverable per filing 4/7/08 – house vacant.**

RECOMMENDATION:
Court's discretion.

(/kra/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS06232

CASE NAME: ESTATE OF ORELL TAYLOR
SEE ALSO 13

HEARING:
Probate status report filed.

COUNSEL:
LINDA TAYLOR (PET)...KAMOLA L GRAY
ORELL TAYLOR (DEC)...
HENRYETTA COOPER (TP)...FULLERTON LEMANN SCHAEFFER & D

GENERAL INFORMATION:

Continued from **4/30/07, 7/2/07, 8/6/07**,
Continued from **11/15/07** as house was scheduled to sell on 12/6/07.
Continued from **1/10/08**. Court also set 1/28/08 OSC re issuance of letters
Continued from **1/10/08** at request of court.
Continued from 3/4/08. No appearance. Clerk mailed notice.
Continued from 3/20/08 at request of counsel to locate client.

THIS CASE IS SET FOR HEARING ON Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Probate petition granted 1/27/06 (limited authority, \$10,000 bond posted).
However, Letters were never issued. Need letters submitted and issued. **OSC re issuance of letters and failure to appear is set.**
2. Petitioner alleges the estate is not in a position to close as petitioner is still in the process of liquidating the decedent's estate. Petitioner requests an additional 90 days to conclude the estate administration.

RECOMMENDATION:

Court's discretion. If approved, set next accounting review in six months (11/26/08).
Accounting to be filed 30 days in advance.

(kra/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS07238

CASE NAME: MTR OF STEVEN MENDEZ

HEARING:

Petition for TERMINATION OF FURTHER PROCEEDINGS; AND FOR
DISCHARGE OF ADMINISTRATOR

COUNSEL:

MELISSA JEFFERSON	(PET)...	LAW OFFICE OF LISA MACCARLEY
STEVEN MENDEZ	(DEC)...	
ANDREA L PAQUETTE	(OBJ)...	ROBERT L KORNSWIET

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition to terminate proceedings and for discharge of administrator

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of special administration issued 9/13/06. Letters of administration issued 1/8/07, \$20,000 bond.
2. Petitioner alleges that the only known estate assets are a small bank account and one real property, that decedent's girlfriend has thwarted administration by refusing to allow access to the residence, by taking estate funds on deposit (later returned by the bank after investigation), and by claiming that she owns the real property, and that the small account has been depleted by initial administration costs. Petitioner requests termination of administration.
3. No authority is cited. Does petitioner proceed per Pr.C. 12251 (termination of administration for want of assets)?
4. I&A and Supplemental I&A indicate \$375,000 real property and \$1,905.09 bank account as of date of death in 2006. Petitioner alleges that the home is worth \$311,000 and there is \$300,000 owing.
5. Petitioner requests \$425 reimbursement for costs advanced (filing fees) and atty requests \$278.28 reimbursement for costs advanced (itemized). Petitioner has alleged that the estate bank account has been depleted and only remaining

asset is the real property. In fact, brief accounting provided with this petition shows \$840.09 on hand which would be consumed by the requested fee reimbursements and small reserve (see next note).

6. Petitioner requests \$136.81 reserve for closing expenses. How would the funds later be distributed if not needed (they could not be distributed to a beneficiary because none have been established and because there are creditors' claims that would have priority)?
7. Three creditors' claims totaling \$7,827.76 have been made. Petitioner alleges that the small equity and depleted bank account indicate that administration is not worth pursuing. Question whether there is a duty to administer the estate under these circumstances for the benefit of the creditors (re potential recovery of some real property equity). On the other hand, petitioner sent notice of this hearing and a copy of this petition to the creditors and no opposition has been filed as of date of review. Verified supplement invited, otherwise JTD.
8. Petitioner alleges that a due diligence search for creditors has not been made because decedent's girlfriend has not allowed access to the residence. How can it be determined, then, that a due diligence attempt has been made to discover and marshal all assets such that a determination can be made now that administration is not worth pursuing? Need verified supplement.
9. Petitioner requests discharge and that bond be exonerated. Petitioner presents a summary of account and schedules to account for funds marshaled. Issues:
 - a. The account ignores completely the real property inventoried and claimed to be estate property.
 - b. Does the court wish to allow discharge and exoneration now without further accounting, receipts, and petition for final discharge? JtD.

RECOMMENDATION

Need to clear notes, then court's discretion.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS002868

CASE NAME: ESTATE OF MARGARET SAWKA

HEARING:
Petition for PLAINTIFF'S COMPLAINT TO QUIET TITLE

	COUNSEL:
MICHAEL D SMITH	(PET)...PRO/PER
MARGARET SAWKA	(DEC)...

No file available for review.

FUTURE HEARING DATES:
10/08/08 Waiver of account and for final distribution.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS002870

CASE NAME: ESTATE OF FRED MERION BRADLEY

HEARING:
OSC re: SANCTIONS/SURCHARGE/REMOVAL

COUNSEL:
FRED M BRADLEY III (PET)...PRO/PER
FRED MERION BRADLEY (DEC)...

GENERAL INFORMATION

Continued from 12/19/07. Court advises petitioner to seek legal counsel and set this OSC.

Continued from 2/27/08 at request of counsel to clear notes.

Continued from 4/16/08 for review of supplement filed that date.

THIS CASE IS SET FOR HEARING ON OSC re sanctions/surcharge/removal.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final I&A filed indicating \$151,000 estate value including \$145,000 real property and \$6,000 personal property on 12/31/02 date of death.
2. Decedent's will leaves a life estate in decedent's Hesperia, CA real property to the spouse, then the property to decedent's four children upon death of spouse. All other assets were left to the spouse.
3. Personal representative (son) now reports the he moved into the estate real property in 12/05 to protect it, that he then transferred title to himself and his wife (stating that he believed he had authority to do so), that he and his wife then took an adjustable rate mortgage "to facilitate the closing of probate," that he paid \$50,000 each to his three sisters/co-beneficiaries out of escrow, that surviving spouse has all of the furnishings, that petitioner has since had a major car accident and is now permanently disabled, that the hospitalized petitioner was in danger of losing the home to foreclosure so he instead deeded the

- property back to the mortgage company in lieu of foreclosure, that petitioner ended up with nothing and is continuing to pay the deficit on the mortgage, and that there is now nothing to probate and that this estate should be closed.
4. Petitioner's claim that the estate should be closed does not take into account the following concerns (petitioner is invited to present verified supplement):
- a. There was no consideration of the surviving spouse's life estate when petitioner moved into the property, refinanced it, and lost it to a deed in lieu of foreclosure. No compensation apparently has been paid to the surviving spouse re the value of the lost life estate. **Supp: Surviving spouse chose to move away from the property. Also, petitioner has been paying \$1,200/yr to her for five years (\$6,000).**
 - b. Petitioner assumes that the other three co-beneficiaries of the real property have received the full value of the bequest yet there is no indication that the I&A value of the property as of the 2002 date of death is the appropriate value as of distribution. **Supp: Everyone agreed to the amounts and they will write sworn affidavits if necessary.**
 - c. Petitioner alleges that he received nothing from estate in light of loss of the property. However, escrow closing statement attached to the petition shows that over \$63,000 in credit card payments were made directly out of escrow. (See bottom of page two of closing statement, tabbed.) It is unknown whether these were decedent's credit cards or petitioner's. Closing statement also shows \$69,294.67 cash to borrow (see bottom of page one). **Supp: Petitioner upgraded the home and paid for the repairs with credits cards and cash. This was *part of* the \$63,000 paid out of escrow. Petitioner also paid off two of his cars. Petitioner states that his share came to \$69,294.67 and any leftover money was used on living expenses after petitioner's auto accident. Petitioner states that his share was larger by \$19,294.67 ($\$50,000 + \$19,294.67 = \$69,294.67$) because of the money he spent to restore the house for attempted sale prior to its loss. Petitioner adds that he has paid \$1.33.33/mo for five years (\$8,000) per an agreement with the mortgage company to cover the deficit balance after the deed in lieu of foreclosure. Petitioner states that the only person who lost in this who proceed was him. Petitioner reiterates that there are no assets in the estate to warrant continued administration. Note that there are no itemizations or receipts filed for any claimed expenses. All expenses are per petitioner's generalized claims. JTD. Also there still is no notice to the other beneficiaries and no actual written consents.**
 - d. Petitioner is required to file a full and final accounting for the period of administration absent waivers by all beneficiaries. **Supp: Petitioner did not address in supplement.**
 - e. In any event, estate could not be closed upon this brief because there are no allegations re the existence or payment of creditors or taxes, no Graduated Filing Fee Schedule, etc. **Supp: Petitioner did not address in supplement.**

5. Need notice of hearing and proof of service. **Still no notice after several continuances and a supplement. There is no indication that the other beneficiaries are aware of the malfeasance in this case or petitioner's attempt to close the administration, nor petitioner's allegations that the other beneficiaries have received their due shares/abs.**
6. Court has previously advised petitioner to seek legal counsel. **Supp: Petitioner alleges he cannot afford legal counsel, is living on Social Security.**

RECOMMENDATION

Need notice and then Court's discretion.

(gls/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS002940

CASE NAME: ESTATE OF MICKEY EDWARD LAMBRIGHT

HEARING:
Hearing Re: Receipts and Final Discharge.

COUNSEL:
ANGELICA MARIA LAMBRIGHT (PET)...PRO/PER
MICKEY EDWARD LAMBRIGHT (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order approving first and final account entered 5/16/07.
2. Need receipts and petition for final discharge.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, the court may set a hearing in accord with Pr.C. § 8505.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS003004

CASE NAME: ESTATE OF JEWELL ALAYNE CLARK

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JANICE ANDERSON (PET)...E. JOAN NELMS
JEWELL ALAYNE CLARK (DEC)...
SUSAN FRAZIER (PET)...E. JOAN NELMS
HEIR BUYOUT COMPANY (TP)...PRO/PER

VACATED – FINAL AND SUPPLEMENTAL I&A FILED

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS003242

CASE NAME: ESTATE OF CECIL T HALL

HEARING:

FIRST AND FINAL Account and Report of JON R HALL and Petition
for allowance of fees filed.

	COUNSEL:
JON R HALL	(PET)...LYNN E MOYER
CECIL T HALL	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

First and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued 4/27/07.
2. Petitioner paid a graduated filing fee in addition to the base \$320 filing fee. Per Burkey v. State of California (2008) 161 Cal.App.4th 465, graduating filing fees are not due. A refund has not been requested. Any request for refund must be in writing and must attach a proposed order.
3. Petitioner waives compensation.
4. Atty waives fees.
5. Attorney did not sign petition as required. Need correction.
6. Mother signed waiver of accounting on behalf of both beneficiary daughters. See issue below re ability of mother to do so.
7. Petitioner proposes distribution to mother of decedent's two children (on behalf of the children). Issues (need verified supplement):
 - a. One beneficiary's birth date is in 1977 (per DHS letter attached to this petition) and therefore she is not a minor. Appears distribution is proposed to mother on basis this daughter is disabled. Does mother have conservatorship or other basis for receiving distribution on her behalf? Issue

would also apply to mother's ability to waive accounting on behalf of this beneficiary.

- b. For the second beneficiary (a minor), was the mother appointed as guardian of the estate? A parent is the natural guardian of the person but not the of the estate. Would need proof of ability to receive the funds (e.g., guardianship of estate) prior to approval of distribution. Issue would also apply to mother's ability to waive accounting on behalf of this beneficiary.

RECOMMENDATION

Need to clear notes.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

CONSERVATORSHIP

DATE: 05/21/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0600018

CASE NAME: ANTONIO HERRERA

HEARING:
Accounting Review

COUNSEL:
JOSEPHINE FIELDS (PET)...J
ANTONIO HERRERA (PCE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of conservatorship, estate only, issued 3/14/07.
2. Need accounting.

RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in
Pr.C. § 2620.2.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 10:30 DEPT: E2

CASE #: BC BS00032

CASE NAME: IN THE CONSERVATORSHIP OF MARK STOTT

HEARING:

Hearing Re: ACCOUNTING AND REPORT BY CONSERVATOR WAIVER OF ETC.

COUNSEL:

MARK DAVIDS STOTT (CEP)...
LINDA LINGREN (PLA)...PRO/PER
LAWRENCE ALF (PET)...PRO/PER

GENERAL INFORMATION:

Continued from 11/14/07. Court notes that the bank statements are in the confidential envelope and informs conservator that the declaration regarding sale of property and escrow documents are still required. Documents to be filed by 12/10/07.

Continued from 1/9/08.

Continued from 2/27/08 to clear notes. Nothing new filed.

Continued from 4/23/08 for review of supplement filed that date. Petitioner to file copy of property tax statement matching tax lien.

THIS CASE IS SET FOR HEARING ON 3rd account current

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting period covers 6/30/05 – 6/30/07.
2. Assets on hand \$125,126.81 consisting or \$626.81 in cash the remainder consist of real property and furniture and furnishings.
3. Conservator sold decedent's real property consisting of unimproved property located in Lucerne Valley without court approval. Petitioner states that the proceeds were \$5,875.21. The inventoried value as of 8/1/97 is \$500.00. Need closing escrow statement and reappraisal. Court may wish to set a hearing re surcharge. **Supp: A copy of the escrow closing statement is filed.**
Conservator alleges conservatee's interest in the real property was an undivided 1/4th interest. The escrow closing statement reduces

conservatee's share by a "tax lien". Question why only conservatee's share was reduced by this lien? File verified supplement. Supp #2; Copy of certificate of lien filed indicating \$1,079.36 amount in 2003. JTD.

RECOMMENDATION:

Need to clear note 3. If approved, set next accounting review for 4/29/09. Accounting to be filed 30 days in advance.

(/KRA/gls/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0600034

CASE NAME: ESTATE OF BETTY JO SNYDER

HEARING:

WAIVER OF Account and Report of MARION E TRAVER, CHRISTINE L
CLARK and Petition for allowance of fees filed.

COUNSEL:

MARION E TRAVER	(PET)...M DANIEL SAYLOR
MARION E TRAVER	(CPE)...
CHRISTINE L CLARK	(CPE)...M DANIEL SAYLOR
BETTY JO SNYDER	(CEP)...

No file available for review.

OUT 4/23/08 Accounting Review & 4/23/08 Hearing re: Inventory and appraisal

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700096

CASE NAME: DORIS B YAEGER

HEARING:
Petition for DISCHARGE & FIRST & FINAL REPORT OF CONSERVATOR

COUNSEL:
WILLIAM H YAEGER (CPE)...PHILIPSON AND ERDMIER
DORIS B YAEGER (CEP)...WALTER T. MOORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
First and final report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatee has died. Conservatorship was of person only. Basis for filing an accounting is not apparent. (Petitioner notes anyway that there are no assets to account for and that conservator and atty fees will be paid by conservatee's estate.)

RECOMMENDATION

Suggest court not act upon petition. Conservatorship has lapsed as a matter of law upon death of conservatee and there is no basis to consider an account or request that trust pay fees.

/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800092

CASE NAME: MINNIE JO BAKER

SEE ALSO 25

HEARING:
Petition for EXCLUSIVE AUTHORITY TO GIVE CONSENT FOR MEDICAL
TREATMENT

	COUNSEL:
JAMIE RICE	(CPE)...RIPLEY & ASSOCIATES
MINNIE JO BAKER	(CEP)...SHERRI L KAS TILAHN

No file available for review.

OUT 4/22/08 Hearing Re: APPOINT TEMPORARY CONSERVATOR OF THE PERSON.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800092

CASE NAME: MINNIE JO BAKER

SEE ALSO 24

HEARING:
Petition for Appointment of Conservator

	COUNSEL:
JAMIE RICE	(CPE)...RIPLEY & ASSOCIATES
MINNIE JO BAKER	(CEP)...SHERRI L KAS TILAHN

No file available for review.

OUT 4/22/08 Hearing Re: APPOINT TEMPORARY CONSERVATOR OF THE PERSON.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 10:30 DEPT: E2

CASE #: SLCSS03206

CASE NAME: MTR OF LENA PATTERSON

SEE ALSO 27

HEARING:
Hearing Re: CONSERVATORSHIP COMPLIANCE REVIEW.

COUNSEL:

PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
LENA PATTERSON	(CEP)...HARTNELL LISTER & MOORE
EDWARD ROBERTS	(CPE)...MARK J. A. FLORY
EDWARD ROBERTS	(CPE)...MARK J. A. FLORY
VALERIA ROBERTS	(OBJ)...ROBERTA L. TAYLOR & ASSOCIATES
VALERIA ROBERTS	(TOMLINSON, NYDAM & PRINCE)...TOMLINSON

GENERAL INFORMATION:

Letters of Conservatorship (person and estate) issued 10/5/07 to Edward Roberts (nephew)

Continued from 03/20/08. Court ordered matter continued. Court Investigator had not completed an interview with the Conservatee yet. Need Court Investigator report. Nothing new filed.

Continued from 4/2/08. Atty Flory indicated client has not been cooperative. Court instructed counsel to issue citation for client to appear 5/21/08.

THIS CASE IS SET FOR HEARING ON Conservatorship Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need care plan per Pr.C. §2352.5.
2. Need Court Investigator's report per Pr.C. §1850.
3. Need to file Inventory per Pr.C. §2610
4. Need proof of service of inventory including proof of service of instructions for objection to inventory and appraisal. Pr.C. § 2610

5. Need proof of service of a copy of the order for conservatorship with notification of rights on the Conservatee and all relatives within the 2nd degree. Pr.C. § 1830(c).
6. Citation issued. Need return of citation.

RECOMMENDATION:

Need to clear notes.

(gls/cbr/abs)

FUTURE HEARING DATES:

12/11/08 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 10:30 DEPT: E2

CASE #: SLCSS03206

CASE NAME: MTR OF LENA PATTERSON

SEE ALSO 26

HEARING:

Petition for ORDER DETERMINING INTEREST IN PROPERTY AND
DIRECTING TRANSFER OF REAL PROPERTY

COUNSEL:

PUBLIC GUARDIAN	(CPE)...COUNTY COUNSEL
LENA PATTERSON	(CEP)...HARTNELL LISTER & MOORE
EDWARD ROBERTS	(CPE)...MARK J. A. FLORY
EDWARD ROBERTS	(CPE)...MARK J. A. FLORY
VALERIA ROBERTS	(OBJ)...ROBERTA L. TAYLOR & ASSOCIATES
VALERIA ROBERTS	(TOMLINSON, NYDAM & PRINCE)...TOMLINSON

GENERAL INFORMATION:

Continued from 1/3/08 for written objections to be filed.

Continued from 3/20/08. Atty Taylor ordered to file any objections by 4/30/08.

THIS CASE IS SET FOR HEARING ON Petition for order determining interest in real property and directing transfer of real property back to conservatorship estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of conservatorship of person and estate were issued 10/5/07. Petitioner is the conservator.
2. Petitioner alleges that conservatee owned real property in Los Angeles, that conservatee and niece/respondent Valerie Roberts wanted to move out of Los Angeles, that conservatee sold her Los Angeles real property and opened escrow on the purchase of a new home in Adelanto, that when the sale of the Los Angeles property was closed then the proceeds of sale were wired to another escrow for purchase of the Adelanto property, but that ultimately title to the Adelanto property was taken in the name of the niece only thus depriving

conservatee of the proceeds of sale of her home and of title to the Adelanto home.

3. The petition is brought pursuant to Pr.C. 850 , W&I Code 15857-15657 and Civil Code 1575 and contains causes of action for fraud and undue influence, constructive trust, and financial elder abuse.
4. On 3/20/08, atty Taylor was ordered to file any objections by 4/30/08. No objections filed as of date of review.

RECOMMENDATION

Set for evidentiary hearing.

/abs

FUTURE HEARING DATES:

12/11/08 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/21/08 TIME: 10:30 DEPT: E2

CASE #: VC VS00082

CASE NAME: MTR OF CONSERVATORSHIP OF JOSHUA MICHAEL KRAMER

HEARING:
Accounting Review

COUNSEL:
ALICE W KRAMER (PET)...S SCOTT REYNOLDS
JOSHUA MICHAEL KRAMER (CEP)...
ALICE W KRAMER (PLA)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Second conservatorship accounting approved 7/28/06.
2. Need third accounting.

RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in
Pr.C. § 2620.2.

/abs